



# **FREDERICK COUNTY PLANNING COMMISSION**

**December 11, 2013**

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**TITLE:** Adamstown Village, Section I, Lots 1-8

**FILE NUMBER:** S-678, AP 13951 (APFO N/A, FRO 13962)

**REQUEST:** **Agricultural Cluster Concept Plan Approval**  
The Applicant is requesting Concept Plan approval for an 8-lot Agricultural Cluster subdivision on a 65-acre property.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** Located on the north side of East Basford Road, 2,100 feet east of US 15  
**TAX MAP/PARCEL:** Map 102/103, Parcels 01 & 22  
**COMP. PLAN:** Agricultural/Rural  
**ZONING:** Agricultural  
**PLANNING REGION:** Adamstown  
**WATER/SEWER:** No Planned Service

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** I. Gerald Ginsburg  
**OWNER:** I. Gerald Ginsburg  
**SURVEYOR/ENGINEER:** Terra Solutions Engineering  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Mike Wilkins, Principal Planner II

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:**

**EXHIBIT 1-** Concept Plan

## STAFF REPORT

### ISSUE

The Applicant is requesting Concept Plan approval for an 8-lot Agricultural Cluster subdivision on a 65-acre property.

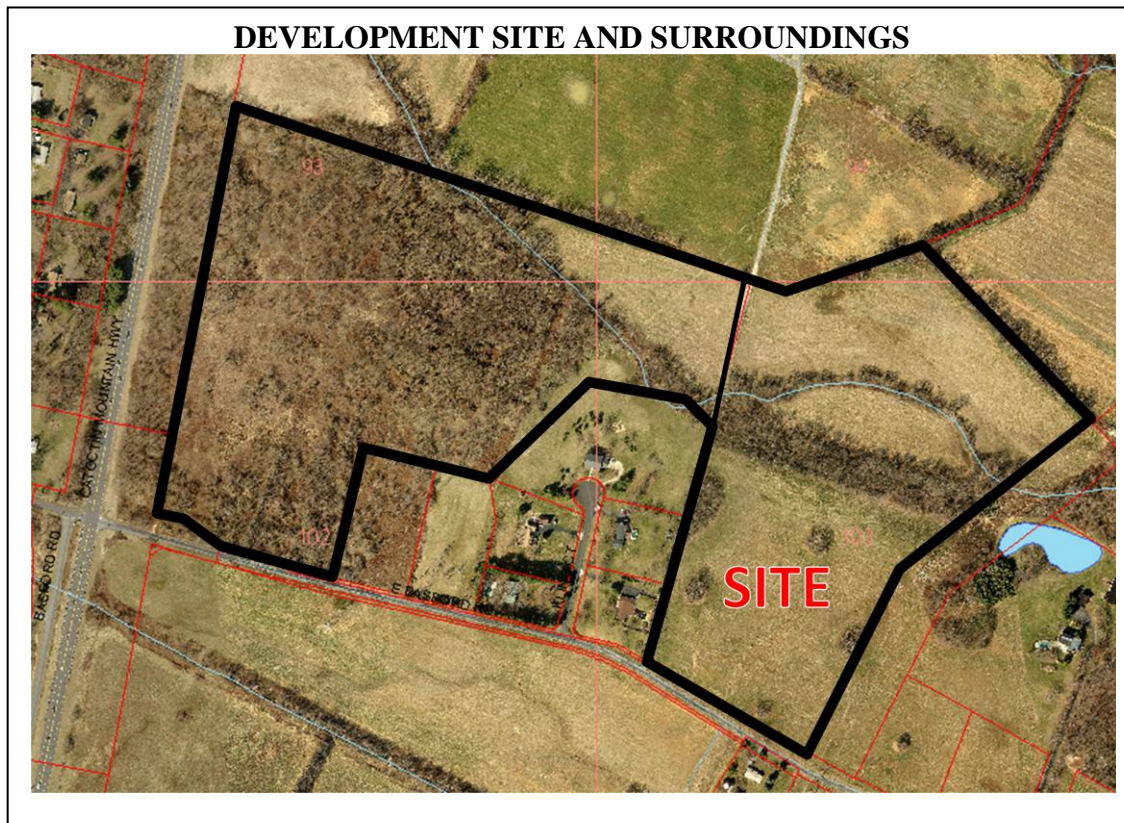
### BACKGROUND

The property consists of two separate parcels. The Applicant proposes to utilize the Agricultural Cluster provisions of §1-19-7.300(C) to transfer the development potential of these parcels to a single parcel to create an 8-lot subdivision. As required by the Code, the remaining areas of the two parcels will be added together to create a single remainder consisting of approximately 53.30 acres.

This property has been the subject of one previous subdivision application;

- In 1975, an eight lot subdivision was recorded from parcel 22 (Adamstown Village, Section 2, P.B. 11 P.G. 196).

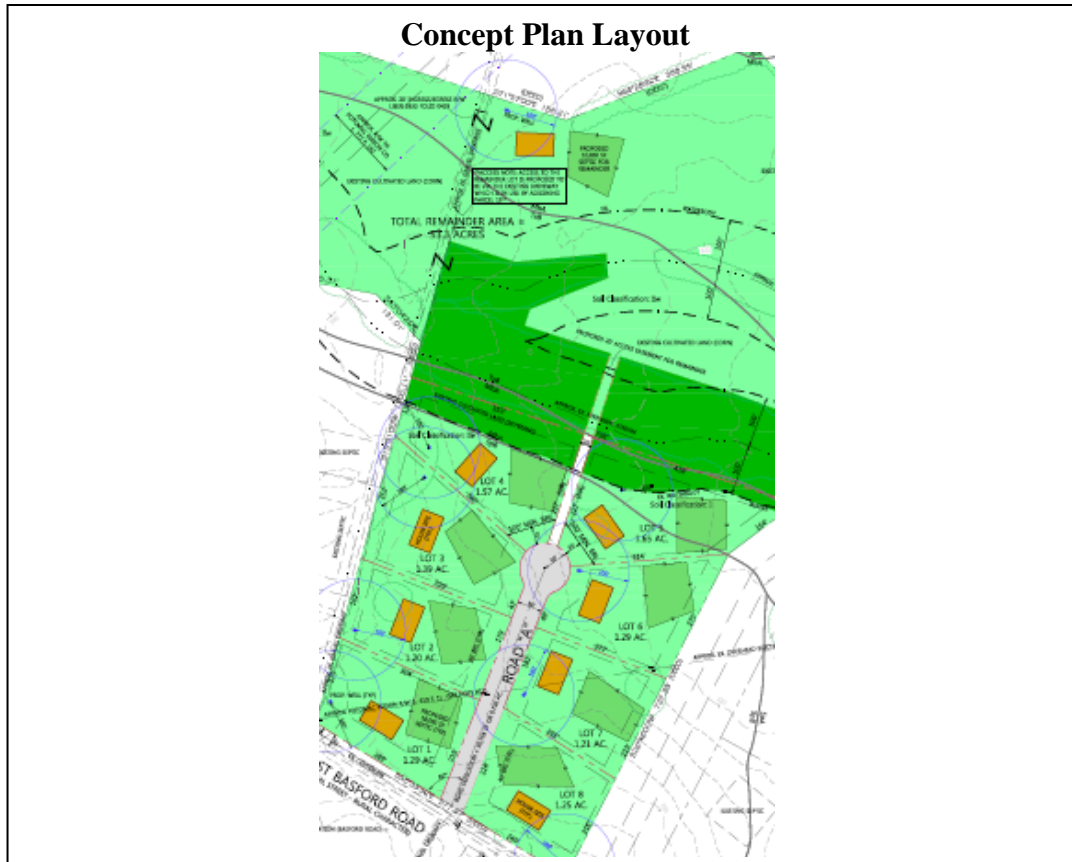
This proposed 8-lot Ag Cluster subdivision will create a total of 16 lots since 1965 and is a major subdivision. However, any major subdivision approval for this project (including approval of a new public street and APFO) will be reviewed during the preliminary plan review process.



### Existing Site Characteristics

The property consists of two separate parcels containing an aggregate of 65 acres. Approximately 27 acres is utilized for farming and roughly 20 acres is forested, with the remaining 18 acres being fallow farm fields. Most of the forest and fallow farm fields were in active agriculture as recently as 1993. The

11.74 acres proposed to be subdivided into lots is currently used for farming. A stream system runs through the property.



## ANALYSIS

### A. ZONING ORDINANCE REQUIREMENTS

#### 1. § 1-19-7.300. AGRICULTURAL DISTRICT.

**§1-19-7.300(B):** *The minimum lot size for single-family dwellings will be 40,000 square feet...*

**§1-19-7.300(C)(2)(c):** *Clustering Requirements. Minimum lot size, width and yard areas shall be as specified in the Agricultural District. Lot size shall average not more than 1.5 acres in size with no lots exceeding 2 acres.*

**§1-19-7.300(C)(2)(e):** *All clusters of 6 or more lots shall be served by an internal public street and shall not be stripped along an existing roadway.*

All of the proposed lots meet the minimum 40,000 sq ft lot size requirement. The proposed minimum lot width (100 feet) and yard areas (40 foot front yard, 30 foot rear yard, and 10 foot side yard) meet Agricultural District requirements in accordance with §1-19-6.100 Design Requirements of the Zoning Ordinance. The average lot size is 1.36 acres, and the largest lot is 1.65 acres. This 8 lot cluster will be served by an internal public street.

**§1-19-7.300(C)(1):** *Clustering: Purpose and intent.*

(a) *To encourage the conservation of farmland in the Agricultural Zoning District by*

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*planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.*

*(b) To provide for a well-planned development while minimizing the use of prime agricultural land.*

**§1-19-7.300(C)(3): Procedures:**

*(b) The Planning Commission will have final approval over the location and layout of the proposed clustering of lots. The Planning Commission shall consider the following when reviewing Concept Plans.*

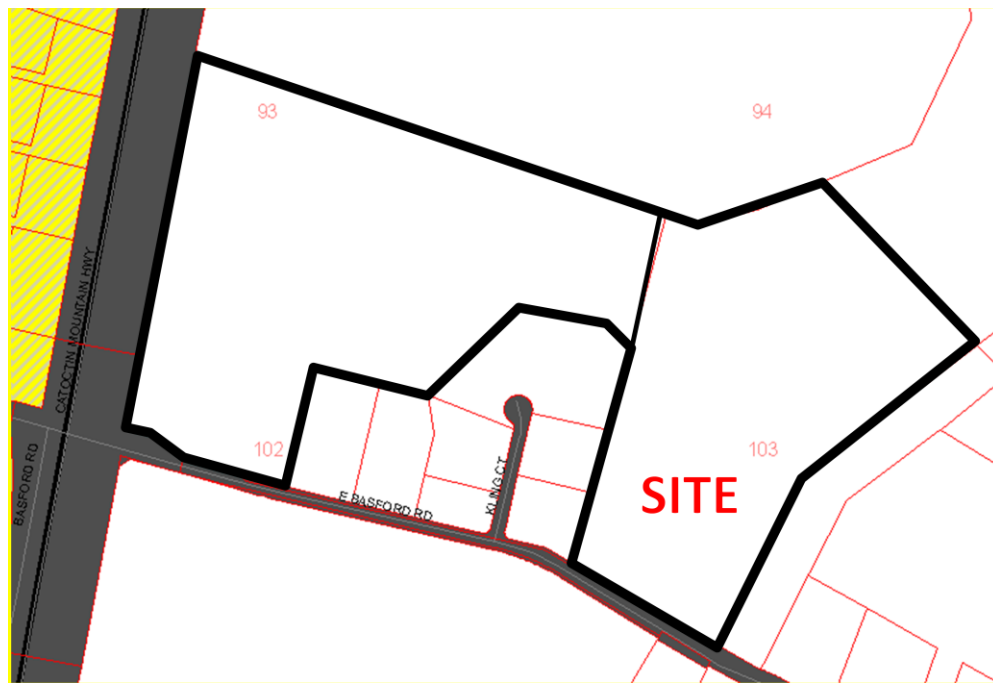
*1. Soils. The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.*

*2. Surrounding land use and zoning. The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.*

The proposed eight-lot subdivision is situated in the southeast corner of the property, between the existing Adamstown Village subdivision and a Potomac Edison electric transmission line corridor. The entire 65 acre property consists of Class I, II, and III prime agricultural soils (a list of these soils is provided on the Concept Plan). The site of the proposed subdivision consists of class II soils. However, the only other area of the property with adequate road frontage for subdivision is at the intersection of US 15 and consists of class I soils. Class I soils are the highest quality soils. Therefore, the subdivision is situated to minimize the development of the higher classified soils in an attempt to meet these regulations. The proposed subdivision location is adjacent to existing residential development.

**Zoning Ordinance Requirements Findings/Conclusions:** The proposed subdivision will meet all Zoning Ordinance requirements if the FcPc determines that the design meets the Ag Cluster provisions.

**COMPREHENSIVE PLAN**



## **B. SUBDIVISION REGULATION REQUIREMENTS**

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The subject property has an Agricultural/Rural Comprehensive Plan land use designation (see map above). The proposed land use and subdivision design complies with the Comprehensive Plan and will meet Zoning Ordinance requirements if the FcPc determines that the design meets the Ag Cluster provisions.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site design takes advantage of the site topography, wooded areas, water bodies, and adjoining subdivisions, and land uses. The area of the proposed subdivision avoids the wet, low-lying areas of the site. The stream valleys are not impacted. A portion of the waterbody buffer is located within Lots 4 and 5 but will be protected with a FRO easement. Very minimal forest clearing (0.44 acres) is proposed. As previously discussed, the proposed subdivision is located between the existing Adamstown Village subdivision and the Potomac Edison electric transmission line corridor.

- 3. Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas.*

Wet soils are located on and within 100 feet of Lots 4, 5, and 6. A soils delineation and geotechnical report will be required at the Preliminary Plan phase of this development.

- 4. Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b):** *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The proposed lots will access a proposed internal subdivision street that will have a 20 foot wide paved travelway. East Basford Road has an existing 20 foot wide travelway. Lot access will meet the Subdivision Regulation requirements.

### **5. Other Street Requirements. Development on Dead End Streets §1-16-236 (K):**

*(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:*

*(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:*

*(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.*

*(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The*



*Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).*

The proposed cul-de-sac is 500 feet in length and will serve the eight proposed lots. The proposal meets the requirements of § 1-16-236(K).

**6. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(2):** *Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that “excellence of design” will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. In each case, the Planning Commission will determine “excellence of design” based on the spatial relationship of the panhandle lot to other lots and the public road. Only physical design criteria such as odd shape and road inaccessibility, topography, existing utilities, proposed and existing well and septic constraints (Health Department criteria) and natural or man-made features shall be used by the Planning Commission in granting modifications for panhandle lots in major subdivisions.*

No panhandle lots are proposed for the proposed eight lots. A 20 foot wide panhandle is proposed to connect the building site on the remainder with the cul-de-sac, but the access to this building site will be from the existing gravel driveway that runs behind lots 1-4. The remainder has 580 feet of road frontage, and the proposed 20 foot panhandle is proposed to provide access to the cul-de-sac in the event the existing driveway can no longer be utilized. Should the owner of the remainder need to construct a new driveway in the future, constructing it through the 20 foot panhandle will lessen environmental impact and utilization of farmland than if it were constructed through the farm.

**7. Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a water and sewer classification of No Planned Service and must utilize private wells and septic systems. The percolation tests will be performed after the approval of this concept plan. Wells must be drilled prior to lot recordation.

**Subdivision Regulation Requirements Findings/Conclusions:** The project will meet all Subdivision Regulation requirements once all agency comments and conditions are met.

### **C. OTHER APPLICABLE REGULATIONS**

- 1. Stormwater Management – Chapter 1-15.2:** Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. Stormwater management will be addressed with future plan submittals.
- 2. APFO – Chapter 1-20:** This subdivision is subject to meeting APFO requirements. APFO will be reviewed at the Preliminary Plan phase of the development.
- 3. Forest Resource Ordinance – Chapter 1-21:** A Combined Preliminary/Final Forest Conservation plan has been submitted and is under review. The development site contains 0.44 acres of existing forest that will be removed. The Applicant proposes to meet the FRO requirements by planting 0.94 acres of new forest in the waterbody buffer on Lots 4 and 5, and by placing an easement on 4.24 acres of existing forest on the remainder. The FRO plan must be approved prior to approval of a preliminary subdivision plan. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.

## Summary of Agency Comments

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Conditional Approval.
<b><i>Development Review Planning:</i></b>	Hold. Must meet all agency and FcPc comments and conditions.
<b><i>State Highway Administration (SHA):</i></b>	N/A
<b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b>	N/A
<b><i>Health Dept.</i></b>	Hold. Septic areas must be perc tested during restricted season.
<b><i>Office of Life Safety</i></b>	N/A
<b><i>DPDR Traffic Engineering</i></b>	Conditional Approval. Demonstrate safe sight distance at proposed entrance.
<b><i>Historic Preservation</i></b>	Approved

## **RECOMMENDATION**

If the Planning Commission finds that the proposed subdivision meets the Ag Cluster provisions of the Zoning Ordinance, then Staff has no objection to the conditional approval of the Concept Plan.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements if the FcPc finds that the development meets the requirements of the Ag Cluster provisions. Should the FcPc grant approval of this application (S-678, AP 13951), including approval of the FRO (AP 13962), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The FRO plan must be approved prior to approval of a preliminary subdivision plan. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.
3. Concept Plan approval shall become null and void at the end of one (1) year from the date of FcPc approval unless a preliminary plan has been submitted for approval.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE S-678 (AP 13951) with conditions** as listed in the staff report for the proposed Adamstown Village, Section 1, Lots 1-8 Agricultural Cluster concept plan, and approval of the FRO (AP 13962), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.